

REMARKS

The Amendments

Claim 1 is amended to clarify the nature of the C2 polymer. The claims are otherwise amended in a merely formal nature to conform to customary US practice and to add additional dependent claims fully supported by the original claims and disclosure.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Provisional Double Patenting Rejection

The provisional rejection of claims 1-12 under 35 U.S.C. §101 for double patenting is moot. Application Ser. No. 11/656,018 is abandoned.

The Rejection under 35 U.S.C. §101

The rejection of claim 9 under 35 U.S.C. §101 is rendered moot by cancellation of the claim. It is replaced by the new method of making claim 13.

The Rejection under 35 U.S.C. §102

The rejection of claims 1-5, 7 and 10-12 under 35 U.S.C. §102, as being anticipated by Robert (US Pub. No. 2001/0053821), is believed to be rendered moot by the above amendment. Claim 1 is amended above to remove the recitation of the non-metallocene LLDPE polyethylene as an option for the C2 polymer. Robert fails to disclose a layer which contains a polypropylene homopolymer or copolymer in a blend with the metallocene polyethylene (C1) according to the instant claims. Thus, the rejection under 35 U.S.C. §102 should be withdrawn.

The Rejection under 35 U.S.C. §103

The rejection of claims 1-12 under 35 U.S.C. §103, as being obvious over Stillman (U.S. Patent No. 4,085,244) in view of Robert (US Pub. No. 2001/0053821), is respectfully traversed.

Stillman teaches a laminated packaging film composed, in order, of a biaxially-oriented polyamide, a flexible metal foil, a layer of biaxially-oriented polypropylene and an inner layer of heat-sealable polyolefin. The film is used as a self-sealing material for providing pouches for containing large volumes of liquids. Stillman also discloses the use of primers or resins for adjoining the different layers.

Robert discloses a coextrusion binder for use in making a multilayer structure. The binder contains a polymer (A) consisting of a blend of a metallocene polyethylene (A1) of density between 0.865 and 0.915 a non-metallocene LLDPE polyethylene, being cografed with an unsaturated carboxylic acid. The binder further contains a polyethylene homopolymer or copolymer. The blend (A) being such that:

- the content of unsaturated carboxylic acid grafted is between 30 and 10^5 ppm; and
- the MFI or meltflow index (ASTM D 1238, at 190°C/2.16 kg) is between 0.1 and 30 g/10 min.

The binder can be used with other layers to provide a multilayer structure.

The basis for rejection is that it would be obvious to use the binder of Robert to join the layers of the Stillman packaging film. Applicants do not necessarily agree that the prior art provides sufficient reasons for one of ordinary skill in the art to use the binder of Robert to join the layers of Stillman. However, even if the binder of Robert were used to bind the layers of Stillman, the claimed invention would not result or be suggested because the binder of Robert does not meet or suggest the elements of the tie layer of the instant claims.

Robert fails to disclose a layer having:

- a blend (A) comprising:
 - a blend of polymers (C1) and (C2), consisting of a metallocene polyethylene (C1) and a polymer (C2) which is a polypropylene homopolymer or copolymer, the blend of polymers (C1) and (C2) being cografed by an unsaturated carboxylic acid or a functional derivative of this acid as grafting monomer; and
- 50 to 95% by weight of a polypropylene homopolymer or copolymer (B).

The blend of polymers with is cografed in the Robert binder is a blend of a metallocene polyethylene and a non-metallocene LLDPE polyethylene. It does not contain a

polypropylene homopolymer or copolymer. The binder of Robert also contains a polyethylene homopolymer or copolymer component (B) which, as the Office action points out, could be a copolymer of polyethylene and polypropylene and thus a polypropylene copolymer also. However, this polyethylene component in the Roberts binder is not part of the blend which is cogenerated. Thus, it is not a polypropylene homopolymer or copolymer component which is cogenerated. There is no suggestion from Robert to modify its binder in a manner which would result in a tie layer according to the instant claims. Thus, even if the binder of Robert were used to tie the layers of the Stillman multilayer structure, the claimed invention would not result or be suggested to one of ordinary skill in the art.

Accordingly, it is urged that the prior art, considered as a whole, fails to render the claimed invention obvious to one of ordinary skill in the art. Thus, the rejection under 35 U.S.C. §103 should be withdrawn.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

Respectfully submitted,

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